

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TIMOTHY DIETZ,

Plaintiff,

v.

MIDLAND CREDIT MANAGEMENT INC.,

Defendant.

Case No. \_\_\_\_\_

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441**

PLEASE TAKE NOTICE THAT defendant Midland Credit Management, Inc. ("MCM") hereby removes to this court the state court action described below.

1. This is a civil action over which the court has original jurisdiction under 28 U.S.C. § 1331, and which may be removed to this court under 28 U.S.C. §1441(a), because it involves a claim under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq* ("TCPA"). See *Mims v. Arrow Financial Services, LLC*, 132 S. Ct. 740 (2012).

2. A copy of the complaint filed by plaintiff in the Cowlitz County District Court, Small Claims Department, case no. 14 S 4, is attached as Exhibit 1.

3. This Notice of Removal is timely because defendant purportedly was served (if at all) on January 8, 2013. See Exhibit 2 (letter from plaintiff to MCM with sheriff date stamp).



**CERTIFICATE OF SERVICE**

I hereby declare under penalty of perjury that I served a true and correct copy of the foregoing **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(a)** on the date indicated below by:

- ☐ electronic mail,  
☒ mail with postage prepaid, deposited in the US mail at Portland, Oregon,  
☐ hand delivery,  
☐ facsimile transmission,  
☐ overnight delivery,

I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to plaintiff at the address listed below:

Timothy Dietz  
2503 34<sup>th</sup> Avenue  
Longview, WA 98632  
Plaintiff *Pro Se*

DATED: February 6, 2014

/s/ Robert E. Sabido  
Robert E. Sabido